

REPORT - PLANNING COMMISSION MEETING
April 28, 2005

Project Name and Number: Reeves Residence (PLN2004-00292)

Applicant: Bonnie Reeves

Proposal: To consider a Conditional Use Permit for the use and construction of a new 4,343-square foot residence to replace an existing 2,080 square foot residence.

Recommended Action: Approve, based on findings and subject to conditions

Location: 41276 Vargas Road, Mission San Jose Planning Area

Assessor Parcel Number(s): 513-00010-017-03

Area: 5.12-acre lot

Owner: Bonnie Reeves

Agent of Applicant: Michael Makihara, Project Designer, Linwood Homes
Jeff Moore, Project Engineer, Greenwood & Moore

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) per section 15302, Replacement or Reconstruction.

Existing General Plan: Very Low Density Residential (05-1.5 du/ac); Hill Open Space—Under Measure T

Existing Zoning: R-1-80 (R), Single-family Residence District (Reserve Overlay); O-S, Open Space—Under Measure T

Existing Land Use: Single-family residence (proposed for demolition) with detached accessory/garage structure

Public Hearing Notice: Public hearing notification is applicable. A total of 11 notices were mailed to owners and occupants of property within 300 feet of the site on Vargas Road. The notices to owners and occupants were mailed on April 18, 2005. In addition, one public hearing notice was mailed as a courtesy to an interested party. A Public Hearing Notice was delivered to The Argus on April 11, 2005 to be published by April 14, 2005.

Background and Previous Actions: The existing single-family residence was constructed in 1977. Subsequently, in October 2001, the Zoning Administrator approved a Zoning Administrator Permit (PLN2001-00326) to allow the construction of an additional 995 square foot single-family dwelling and 704 square foot garage on the 5.12-acre project parcel. To date, the additional dwelling and detached garage have not been constructed.

In August 2002, the Zoning Administrator approved a Variance (PLN2001-00326) to allow an increased building height from 12' to 18'6" for the construction of a 1,502 square foot detached accessory structure/garage ("carriage house" on site plan) to the existing principal dwelling (now proposed for demolition). The accessory structure has been completed, provides three covered parking spaces, and will be retained.

Project Description: The project is a Conditional Use Permit (CUP) to allow the use and construction of a new 4,343 square foot single-family residence on the same building site as the existing 2,766 square foot principal residence proposed for demolition. Because the proposed new residence would replace the existing residence on the improved lot (i.e., a lot with existing access and driveway apron) on generally the same building footprint, the amount of grading and site work to prepare the building site for development of the proposed new residence would be minimal. The designer

describes the house as influenced by a French Normandy style of architecture, compatible with the design of the recently completed detached accessory/garage structure.

PROJECT ANALYSIS:

Site Planning: The proposed project is located on a 5.12-acre lot in the Vargas Plateau West hill planning area, a sub-area of the Mission San Jose Planning Area. Because the site is located above the toe of the hill (TOH) line as defined by the Hill Area Initiative of 2002 (Measure T), development on the site must be consistent with the visual and site development provisions adopted under the Initiative, as well as all other applicable hill area policies and standards, such as the Hill Area Development Policy. As stated in the General Plan, the Vargas Plateau West area "extends easterly from the visible ridgeline to the City's eastern City limits, and extends north from I-680 to the steeply sloped land dropping off to Niles Canyon." A heavy grove of tall Eucalyptus and Live Coast Oak trees extend from the west to the east up the hill on the southerly side of the parcel, adjacent to Vargas Road.

The proposed new 4,343 square foot residence at the 136-foot contour would be situated on the footprint of the existing 2,080 square foot residence (see Informational 3) proposed for demolition. At this location, the new residence would not likely be noticeable from the nearest public vantage points, such as Interstate 680 and Mill Creek Road, the General Plan designated "Foot and Horse Trail" west of Vargas Road, or Vargas Road itself. All existing Oak, Eucalyptus, Pine, Redwood and Sycamore trees, as well as existing landscaping, will be preserved on the site. Photos taken by the applicant are included (Informational 1).

Hill Initiative of 2002 (Measure T): As previously noted, because the project site is located above the TOH line as defined by Measure T, the project must be evaluated for consistency with Measure T performance standards. A finding for consistency with Measure T is included, based on the analysis below.

- **Maximum Areas:** Measure T states, "the maximum floor area for all floors (regardless of composition) in buildings on a parcel may not exceed one percent (1%) of the parcel's area, or 20,000 square feet (maximum permitted), which ever is less, but for any parcel a minimum of 10,000 square feet shall be permitted." The proposed new structure and existing 1,502 detached accessory/garage structure would total 5,845 square feet, or 2.6% of the 5.12-acre project parcel.
- **Visual Safeguards:** Measure T states, "To the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel...that minimizes visibility from public places." Staff believes that the project is consistent with this performance standard. The proposed new residence would replace and be situated on the same footprint of the existing one-story residence proposed for demolition. While the proposed structure is two stories in height, due to the mature, heavy grove of Eucalyptus trees surrounding the project site, the proposed structure and building site are unlikely to be visible from Vargas Road, the adjacent General Plan designated Foot and Horse Trail, Interstate 680, and Mill Creek Road (closest public areas). Photos submitted by the applicant are included (Informational 1).
- **Easements:** Measure T states, "An easement, conveyed to the City or the City's appropriate designee, shall be required for each parcel with respect to which development is permitted...[such] easement shall bar any further development that would not be permitted under this ordinance [Measure T]." It further states, "The easement shall terminate when the parcel is restored substantially to its pre-development condition, so far as the effects of development are concerned." Measure T requires that an easement (that conveys no possessory interest to the City, nor confers any right to public access) be recorded on the subject site, particularly affecting the constrained areas of the site, to ensure conformity with the adopted provisions. At such time the parcel is restored to its original condition, such as removal of all structures and grading the site substantially back to its pre-development condition, the easement would be terminated. Should the Planning Commission approve the project, the applicant will be required to comply with this standard (Condition A-10).

Measure T provisions regarding permitted use, steep slopes, wetlands and riparian corridors, critical wildlife habitat, ridgelines, and hilltops are not at issue with this proposed project. This again is due to the applicant proposing to locate the new residence on the existing development pad.

General Plan Conformance: The existing General Plan land use designation of the project parcel as it currently appears on the City's General Plan Map is Very Low Density Residential (0.5-1.5 dwelling units/acre). However, with the voter-adoption of Measure T, the General Plan designation of this project parcel changed to Hill Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because the development of one single-family residence is permitted on the subject parcel.

Zoning Regulations: Similarly, the existing Zoning designation of the project parcel as it currently appears on the City's Zoning Map is R-1-80 (R), Single-family Residential District (Reserve Overlay). However, with the voter-adoption of Measure T, the zoning designation of this project parcel changed to O-S, Open Space District. The proposed residence conforms to the Open Space site standards, which require: a 45-foot front yard setback; minimum 35-foot side yard setbacks; and a 50-foot rear yard setback. The proposed home also conforms to the 30-foot height limit. Construction of the new residence to replace the existing residence is not anticipated to be problematic, as the site currently has access from a private street and is able to be served by an existing on-site well and a septic system. Should these onsite facilities need modifications and/or improvements, a condition is proposed to require the applicant to obtain necessary approvals from the Alameda County Health Department and Alameda County Water District (Condition A-11).

Parking: The Fremont Municipal Code (FMC) requires a minimum of three covered parking spaces per single-family dwelling with five or more bedrooms. In satisfying this requirement, the proposed project provides three covered parking spaces. Additionally, the motor courtyard provides at least three additional uncovered parking spaces.

Waste Management: This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. For storage purposes, the garbage and recyclable containers for this project must be located in an appropriate location and fully screened, subject to review and approval by Development Organization staff (Condition A-9).

Design Analysis:

Architecture: The applicant's designer indicates that the design of the residence is influenced by a French Normandy style of architecture, consistent with the style of the detached accessory/garage structure recently completed. In summary, the following elements are incorporated in the proposed project consistent with this style of architecture:

- steeply pitched, hipped main gray roof with gables, consisting of flat concrete tiles in a light gray/charcoal color;
- exterior stucco wall cladding in a medium beige;
- moderate eave overhang, boxed with soffit in an eggshell color;
- symmetrical appearance with ridge of hipped roof paralleling with front of residence;
- varied roofline height; and, rectilinear casement windows.
- wood (redwood) window surrounds (lintel with keystone, mullion and sill); and,
- cornice returns at gable ends.

The proposed elements mentioned above are added to enhance the overall appearance of the new residence.

In recognizing the concerns of staff, the applicant's designer has revised the design of the residence to achieve compliance with Measure T and the Hill Area Development Policy. The previous concerns raised by staff have been addressed and are discussed below.

- *The previously proposed roof design resulted in the overall height of the proposed structure that appeared to exceed the maximum 30-foot height limitation of the Hill Area Development Policy and visual safeguard provisions of Measure T. The main roof element over the residence needed to be redesigned to reduce the overall building height.*

Discussion: The architect has redesigned the proposed residence several times to produce a design that utilizes essentially the same footprint of the existing residence proposed for demolition. This results in an insignificant

amount of grading for the new residence. In addition, the hipped roof system was revised to reduce the overall height of the structure to less than thirty feet in height, as measured from the roof's main ridge. As compared to the previous proposal, the roofline of the redesigned residence better reflects the existing grade of the lot, consistent with the visual safeguard provisions of Measure T. To further reduce (and possibly eliminate) the need for unnecessary grading, the proposed sunroom attached to the south (left) side of the proposed residence steps down by two feet, where the roofline above is also lowered.

- *Consistent with the Hill Area Development Policy, balconies from the upper level of the proposed residence must be cantilevered and limited to 125 square feet per 40 feet of house dimension (length or width of side under consideration).*

Discussion: The designer has appropriately redesigned the residence by reducing the overall size of the upper balcony and eliminated structural columns to allow the balcony to cantilever.

- *The front entrance appeared incompatible with the proposed design—the heavy, arched clerestory window was inconsistent with the scale and treatment of windows proposed for the rest of the residence.*

Discussion: The designer has reduced the size of the front entrance and the previously proposed large, arched clerestory window, is now replaced with a rectilinear clerestory window that is consistent with the window system proposed.

The designer has responded to staff comments to reduce the appearance of bulk and mass, consistent with the Hill Area development standards and policies, particularly with Measure T. Staff believes that the proposed residence is consistent with these Hill Area policies and standards.

Landscaping: All existing trees on the site will be preserved as shown on Exhibit "A". A condition is proposed to require tree protection measures to be implemented during construction (Condition C-4).

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are included in Exhibit "B" to reflect this requirement (Condition A-6)

ENVIRONMENTAL ANALYSIS: This project is exempt from the California Environmental Quality Act (CEQA) per section 15302, Replacement or Reconstruction, because the project involves the replacement of an existing structure, a single-family residence, where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, i.e., the a single-family residential use.

Response from Agencies and Organizations: Any correspondence received will be forwarded to the Planning Commission.

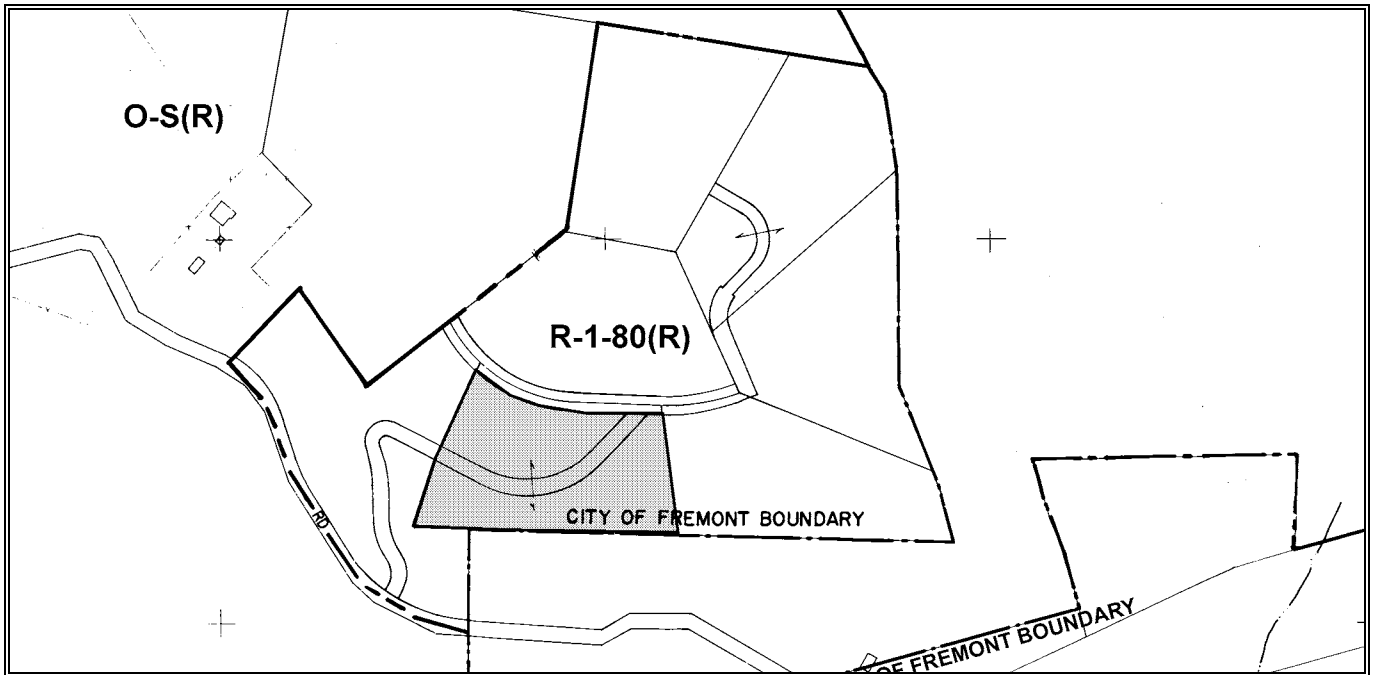
Exhibits:	Exhibit "A"	(Site Plan, Site Plan, Grading Plan, Landscape Plan, Floor Plan, Architectural Elevations, Conceptual Landscape Plan)
	Exhibit "B"	(Conditions of Approval)
	Exhibit "C"	(Color and Material Board)

Enclosures:	Exhibit "A"	(Site Plan, Site Plan, Grading Plan, Landscape Plan, Floor Plan, Architectural Elevations, Conceptual Landscape Plan)
	Info "1"	(Site Photo Survey)
	Info "2"	(Applicant's April 2004 Letter)
	Info "3"	(Existing 2,080 SF Residence)

Recommended Actions:

1. Hold public hearing.
2. Find that the project PLN2004-00292 as proposed is categorically exempt from CEQA under Section 15302, Replacement or Reconstruction, for the reasons indicated in this report.
3. Find the project PLN2004-00292 as recommended by staff is consistent with standards, goals and policies of the Hill Area Development Policies, and General Plan for the reasons indicated in this report.
4. Find the project PLN2004-00292 is consistent with the goals and performance standards adopted under the Hill Initiative of 2002, Measure T, for the reasons indicated in this report.
5. Approve the project PLN2004-00292 as recommended by staff and shown on Exhibit "A", based upon the Findings and Conditions of Approval set forth in Exhibit "B" and Color and Material Board, Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

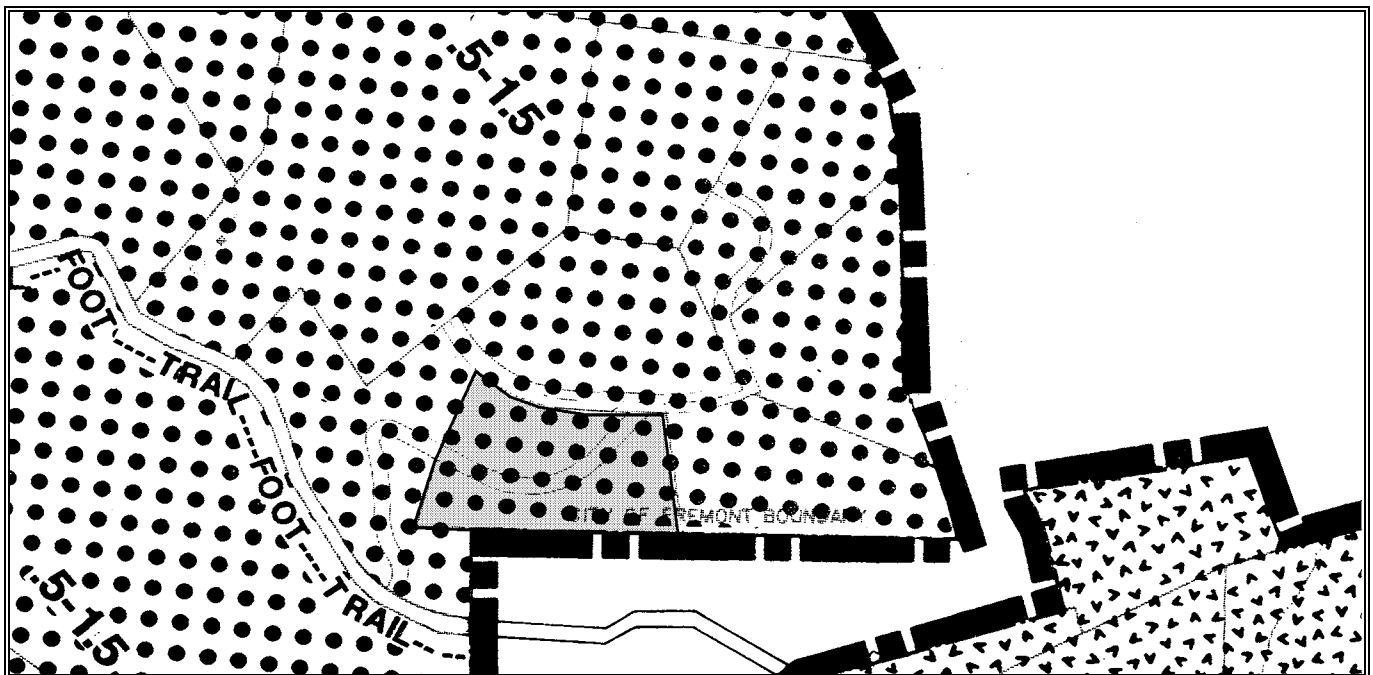


EXHIBIT "B"
Reeves Residence
Conditional Use Permit
PLN2004-00292

Findings:

The findings and conditions below are made on the basis of information contained in the staff report to the Planning Commission and testimony at the hearing on April 28, 2005, incorporated herein:

- a) The site is suitable and adequate for the proposed project because the project involves the construction of a new residence on the same footprint of an existing residence proposed for removal.
- b) The proposed project would not have a substantial adverse effect on traffic circulation, the planned capacity of the street system or other public facilities or services because points of ingress-egress are existing and are properly located, sufficient parking is provided, and adequate fire fighting equipment access and facilities are able to be met. Based on the ITE Trip Generation Rate Manual, 7th Edition, a single-family home will generate only 10 trips per weekday. The project would have no impact on the existing circulation system because it involves the replacement of an existing residence with a new residence.
- c) The proposed project would not have a substantial adverse economic effect on nearby uses because the design and appearance of the project on the lot will be required to comply with the provisions of the Hill Initiative of 2002, Measure T, reducing its visual impact on the surrounding area and in keeping with the natural scenic beauty of the Hill Area. The new residence would replace the existing residence by utilizing its existing footprint at a building site location on the parcel that is unlikely to be visible from any public place. The applicant has submitted a photo survey of the surrounding area to demonstrate that the existing mature grove of surrounding trees entirely screen the proposed building site. In addition, based on a site visit and viewing the building site from Interstate 680 and Vargas Road, staff believes that it would be highly unlikely that one would be able to see the project site and proposed structure from a public place.
- d) The proposed project would not have a substantial adverse impact on the general welfare of persons residing in the community because the proposed project on the lot will be required to adhere to all zoning standards, consistent with the General Plan, as well as all federal, state and local building and fire codes.
- e) The proposed project is compatible with existing and proposed development within its surroundings because, as mentioned above, the new home would replace the existing residence. The new residence would be more architecturally compatible with the new detached accessory/garage structure recently completed.

Conditions:

Prior to building permit issuance

- A-1 The project shall conform to Exhibit "A", all Hill Area standards and policies, and all the conditions of approval set forth herein.
- A-2 The applicant shall submit appropriate plans to the Development Organization for review to ensure compliance with all City codes and policies, and the applicant shall continue to work with staff on the further refinements as indicated in these conditions. Any changes or modifications required through the Development Organization review process shall be incorporated into the project.
- A-3 Consistent with the Hill Area standards and policies, minor revisions of the site plan, building location and architectural details may be permitted within the overall context of the approved design concept, subject to the approval of the Director of the Development Environmental Services or his/her designee during the Development Organization review process.

- A-4 The project shall conform to the City's Hazardous Fire Area requirements as set forth in Chapter 16, Uniform Building Code, as amended.
- A-5 An approved automatic fire extinguisher system (AFES) shall be installed throughout the residence, subject to review and approval of staff during the Development Organization review process.
- A-6 The applicant/contractor shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction. A separate plan shall be submitted for this purpose and shall be subject to review and approval of Development Organization staff during the Development Organization process.
- A-7 The applicant/contractor is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented.
- A-8 The applicant shall submit a detailed soils report including recommendations regarding drainage structures and the existing sub drain, prepared by a qualified soils engineer registered by the State of California.
- A-9 The location of trash/recycling bins shall be appropriately located on the site and screened, subject to the review and approval of Development Organization staff.
- A-10 In accordance the Hill Area Initiative of 2002, an easement, conveyed to the City or the City's appropriate designee, shall be required for the parcel with respect to which development occurs on the parcel. Such easement shall bar any further development that would not be permitted under the Initiative. The easement is negative only; it shall convey no possessory interest to the City, nor confer any right to public access. At such time the parcel is restored to its original condition, such as removal of all structures and grading the parcel substantially back to its pre-development condition, the easement would be terminated.
- A-11 The applicant shall receive the review and approval of the Alameda County Water District and Alameda County Health Department for any improvements and/or modifications proposed for the existing water well and septic system, respectively.

Prior to forming and framing:

- B-1 The project designer/ engineer shall submit a letter to the City certifying that the finished pad and floor elevations are consistent with the approved plans, subject to the review and approval of Development Organization Staff.

During Construction:

- C-1 Prior to the inspection of the roof sheathing, the project manager or supervising general contractor shall contact the Development Organization at (510) 494-4561 for an interim inspection of the structure to ensure that the construction is consistent with the approved architecture and building design.
- C-2 The property owner shall be responsible for litter control and sweeping of all paved surfaces.
- C-3 Construction activities shall be limited to the following hours of operation:

7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. on Saturday

Failure to comply with the above-mentioned hours of operation will result in revocation of permits.

- C-4 All trees on site as shown in Exhibit "A" must be preserved. Tree protection measures in accordance with the City's Landscape Development Policies and Regulations must be implemented during construction.

Prior to release of building for occupancy:

- D-1 The project designer shall submit a letter to the Development Organization certifying the building and its associated improvements have been constructed in conformance with the approved architectural and landscape plans.